

# MAINE STATE LEGISLATURE

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# EIGHTY-THIRD LEGISLATURE

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House Document

No. 493

H. P. 1138          House of Representatives, Mar. 25, 1927.

Reported by Mr. Chase from Committee on Military Affairs  
and laid on table to be printed under joint rules.

CLYDE R. CHAPMAN, Clerk.

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## STATE OF MAINE

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND TWENTY-SEVEN

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AN ACT Relating to the Military Law.

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Be it enacted by the People of the State of Maine, as follows:

Section nine of chapter one hundred seventy-four of the  
2 public laws of nineteen hundred twenty-three is hereby  
3 amended by adding after the word "forth" in the ninth line  
4 the words 'or drafted into federal service' and after the  
5 word "called" in the tenth line the words 'or draft' and aft-  
6 er the word "called" in the fourteenth line the words 'or  
7 drafted' and after the word "organizations" in the fifteenth  
8 line the following words: 'and upon completion of such  
9 service the members thereof shall assume their original  
10 status in the national guard,' so that said section, when  
11 amended, shall read as follows:

'Sect. 9. In case of insurrection, invasion, tumult, riot,

2 mob, or body of men acting together by force with intent  
3 to commit a felony or to offer violence to persons or prop-  
4 erty, or by force and violence to break and resist the laws  
5 of this state, or the United States, or of imminent danger  
6 thereof, or in the event of public disaster resulting from  
7 flood, conflagration, or tempests, the governor shall have  
8 the power to order into the active service of the state any  
9 part of the national guard that he may deem proper. And  
10 whenever the national guard of this state or a part thereof  
11 is called forth or drafted into federal service under the con-  
12 stitution and laws of the United States, the governor shall,  
13 unless the order for the call or draft specifies otherwise,  
14 order out for service the national guard or such part there-  
15 of as may be required; and if the number available be in-  
16 sufficient he shall order out the unorganized militia or such  
17 part as may be necessary. The designation of organizations  
18 called or drafted into the service of the United States shall  
19 not, during such service, be given to new organizations, and  
20 upon completion of such service the members thereof shall  
21 assume their original status in the national guard.

In case of a sudden and unexpected tumult, riot, mob or  
2 body of men acting together by force with intent to com-  
3 mit felony or to offer violence to persons or property, or  
4 by force and violence to break and resist the laws of the  
5 state or the United States, or of imminent danger thereof,  
6 a justice of the supreme judicial court, in term time or  
7 vacation, or the sheriff of a county, may call for aid upon  
8 a commanding officer of the national guard or naval militia,

9 and such call shall be in writing. The commanding officer  
10 upon whom the call is made shall order out in aid of the  
11 civil authorities the military or naval force or any part  
12 thereof under his command, and shall make an immediate  
13 report of the case to the adjutant general and to his im-  
14 mediate commanding officer. He shall receive only general  
15 directions from the civil authority requesting the aid, and  
16 shall remain strictly responsible to his military superior for  
17 the manner in which the troops shall be used to accomplish  
18 the desired end.

In the event of an emergency so imminent as to require  
2 immediate action the senior officer of a command may, upon  
3 request in writing of the mayor of a city, or the selectman  
4 of a town, order out for the defense or protection of the  
5 community the forces under his command, or any part  
6 thereof, and immediately report his action and the circum-  
7 stances of the case to the adjutant general and to his im-  
8 mediate commanding officer.'